

09/55595U

422 Rec'd **PT/PTO** 0 5 JUN 2000

**CERTIFICATE OF EXPRESS MAIL**

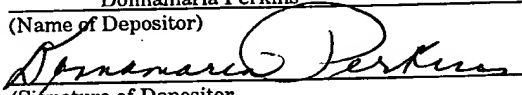
"Express Mail" mailing label # EL642032955US

Date of Deposit June 5, 2000

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Donnamaria Perkins

(Name of Depositor)

  
(Signature of Depositor)

Fulbright & Jaworski L.L.P.  
666 Fifth Avenue  
New York, New York 10103

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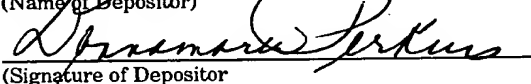
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FORM PTO-1390  
(REV 10/95)

JUN 05 2000

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

FCR 1159

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.5)

09/555950

INTERNATIONAL APPLICATION NO.  
PCT/EP98/07876INTERNATIONAL FILING DATE  
3 December 1998PRIORITY DATE CLAIMED  
3 December 1997

## TITLE OF INVENTION

Erythropoietin with High Specific Activity

## APPLICANT(S) FOR DO/EO/US

Josef Burg, Karl-Heinz Sellinger, Anton Haselbeck, Hans Koll

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is the FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(I).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau.)
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (unsigned)
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.
  - ☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information:

17. ☒ The following fees are submitted:

CALCULATIONS

pto use only

**BASIC NATIONAL FEE (37 CFR 1.492(e)(3)):**

Search Report has been prepared by EPO or JPO ..... \$840.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) ..... \$680.00

No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) ..... \$750.00

Neither International preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$1010.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) ..... \$94.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$840.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	75 - 20 =	55	x \$18.00	\$990
Independent claims	5 - 3 =	2	x \$78.00	\$156

MULTIPLE DEPENDENT CLAIM(S) (if applicable)

+ \$250.00

\$260

**TOTAL OF ABOVE CALCULATIONS =**

\$2,376

Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).

\$ 0

**SUBTOTAL =**

\$2,376

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☒ 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

\$ 0

**TOTAL NATIONAL FEE =**

\$2,376

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property

\$ 0

**TOTAL FEES ENCLOSED =**

\$2,376

Amount to be:  
refunded

\$

charged

\$

- a. ☒ A check in the amount of \$ 2,376 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 500624. A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Norman D. Hanson  
FULBRIGHT & JAWORSKI L.L.P.  
666 Fifth Avenue  
New York, NY 10103

SIGNATURE

Norman D. Hanson  
NAME

30.946  
REGISTRATION NUMBER